

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-5 and 11 are pending in the present application, with claims 1 and 11 being independent. Claims 6-10 and 12 have been canceled by this amendment without any prejudice or disclaimer to the subject matter contained therein.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication on page 2 of the outstanding Office Action that claim 11 is allowed and that claim 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least the reasons detailed below, all pending claims should be considered allowable.

Abstract

Applicants submit herewith a replacement Abstract. Accordingly, withdrawal of the objection to the abstract and specification is respectfully requested.

Claim Rejections

The Examiner rejected: claims 1-3, 7, 10, and 12 under 35 U.S.C. §103(a) as being unpatentable over Kanevsky et al. (US

6,236,968) in view of Byrnes (US 6,400,310); and claims 4-5 and 8-9 under 35 U.S.C. §103(a) as being unpatentable over Kanevsky et al. in view of Byrnes and further in view of Sakamoto et al. (US 5,404,422). These rejections are respectfully traversed insofar as they pertain to the presently pending claims.

Claims 7-10 and 12 have been cancelled by this amendment and therefore the rejection against those claims are now rendered moot.

Independent claim 1 has been amended to include the subject matter of allowable claim 6. Therefore, claim 1 should now be considered allowed.

Dependent claims 2-5 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejections is respectfully requested.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. 51,011) at telephone number (703) 205-8000, which is located in the Washington, DC area.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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ABSTRACT OF THE DISCLOSURE

An apparatus for judging a fatigue level and/or a dozing state of a person by capturing voices uttered at different points of time from a microphone 5M. A computer performs chaos analysis of the digital data of the inputted voices and calculates Lyapunov exponents and judges a fatigue level and/or a dozing state based on the result of the chaos analysis.